

REMARKS

Applicant hereby replies to the Office Action dated December 23, 2010. Applicant thanks the Examiner for carefully considering the application.

Status of Claims

Claims 1-6, 8-14, 18-24 and 28-34 are pending in the above-referenced patent application. Claims 1, 10, and 20 are independent.

Claims 1-3, 6, 10-12, 20-22, 29 and 31-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,781,518 issued to Hayes et al. ("Hayes") in view of U.S. Patent No. 6,020,881 issued to Naughton et al. ("Naughton"). Claims 4-5, 8-9, 13-14, 18-19, 23-24, 28, 30 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayes in view of Naughton, and further in view of U.S. Patent No. 7,574,693 issued to Kemink ("Kemink").

Claim Amendments

New claim 34 is added. No new matter is added.

Rejection under 35 U.S.C. 103(a)

Claims 1-3, 6, 10-12, 20-22, 29 and 31-32

The rejection of claims 1-3, 6, 10-12, 20-22, 29 and 31-32 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Naughton is respectfully traversed because for at least the following reasons: Hayes and Naughton either separately or combined, does not disclose all of the claimed limitations.

According to MPEP §2142:

[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Further, according to MPEP §2143, “[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1395-97 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper “functional approach” to the determination of obviousness as laid down in *Graham*. And, according to MPEP §2143.01, “[o]bviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. *In*

re Kahn, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006). Further, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art. *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007). Additionally, according to MPEP § 2143

[a] statement that modifications of the prior art to meet the claimed invention would have been “well within the ordinary skill of the art at the time the claimed invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

Claim 1 requires, in part,

discovering a plurality of devices that are currently connected to the network; (b) obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network, wherein the information includes at least a device name and service type, and wherein the physical layer provides a communication medium that can be used by the plurality of devices to communicate with each other; (c) generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added).

Claim 10 requires, in part,

discovering the plurality of devices that are currently connected to the physical layer of the network; (b) obtaining information for commanding and controlling at least one of the plurality of devices

by at least one other device currently connected to the physical layer of the network, wherein the information includes at least a device name and service type; (c) generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added).

Claim 20 requires, in part,

discovering a plurality of devices that are currently connected to the network in an autonomous manner; (b) obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to the physical layer of the network, wherein the information includes at least a device name and service type; (c) generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added).

Hayes is directed to a universal remote control 10 to control interconnected devices (i.e., TV 12, Audio Amp. 54, Digital cable 16, VCR 14, DVD 56, remote control interface 18, CD player 58), in an entertainment system 11 on an interconnection 30 (see Hayes, Figures, 1A, 1B). The Examiner argues that Hayes discloses “discovering a plurality of devices that are currently connected to the network” (claim 1), “discovering the plurality of devices that are currently connected to the physical layer of the network” (claim 10), and “discovering a plurality of devices that are currently connected to the network in an autonomous manner” (claim 20). Applicant respectfully disagrees. Hayes clearly discloses that after the initial set up of the

entertainment system 11, the function identity and operating parameters are established (Hayes, col. 4, lines 43-45). Hayes further discloses that the device activated setup (DAS) disclosed in U.S.P.N. 6,157,319 is implemented. The DAS is a manual set up that is user initiated. No discovery is needed, nor required.

Moreover, Hayes requires the remote control has, prior to any communications with a target device, a stored set of commands for controlling functions of the target device. Therefore, Hayes fails to teach discovering devices currently connected to the network. Distinguishable, in Applicant's claimed invention, any device having a display can be the controller, where this feature is recited in independent claims 1, 10, and 20 as "for at least one of said devices," "in the at least one device," and "one or more of the multiple devices," respectively. Therefore, Hayes fails to teach these claimed limitations.

Hayes only teaches obtaining *capability* information from the remote controlled devices. Capability information describes what a device is capable of doing, but this is not information for commanding and controlling a device. Further, because the remote control 10 of Hayes already includes a stored set of commands for controlling the target devices without any need for communication with the devices (i.e., TV 12, Audio Amp. 54, Digital cable 16, VCR 14, DVD 56, remote control interface 18, CD player 58), Hayes does not teach or require "obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device *currently connected to physical layer of the network*" as required by claims 1,

10 and 20.

Moreover, claim 1 of Hayes requires the remote control has, prior to any communications with a target device, a stored set of commands for controlling functions of the target device. Therefore, besides the device in Hayes failing to teach discovering devices that are currently connected to the network, there is no need for Hayes to discover the interconnected devices as the remote control already stores the set of commands for controlling the target device prior to any communications with the device.

Hayes (col. 8, lines 12-25, relied on in the FOA) only discloses a defined set of commands for a device type. A device type is a generalized definition for devices of a specific type, and Hayes does not refer to a specific device name or service type. For example, if a first television (TV) is in a bedroom, and another TV is in a family room, according to Hayes, both TVs would have the same type, even though they have different identities. Distinguishable, it is intuitive that a device name can differentiate a TV in a bedroom and a TV in a family room. The claimed “device name” literally means “a name of a device.” For example, two identical DTV’s can be distinguished by the device names of “Bedroom TV” and “Family Room TV” (see, e.g., paragraph [0060] of the specification).

Further, on page 3 of the Office Action, column 6, lines 1-35 of Hayes is cited for allegedly teaching the claimed device name. However, this part merely discloses an ID value

having 8 bits System identification, which indicates the capabilities of the device (see Hayes, column 6, lines 16-19 and 36-45), 4 bits Device Category, 12 bits Device number, and 8 bits for a Check byte. None of these values corresponds to the claimed device *name*. Therefore, the ID of Hayes does not disclose a device name and service type. Thus, Hayes does not teach or suggest said claimed limitations.

Hayes does not teach “one or more references associated with each of the devices currently connected to the network,” claims 1, 10, and 20). Hayes teaches an infrared remote controlled entertainment system 11 and discloses (col. 11, lines 15-32) a user interface on remote control 10 and an interface adaptor 18 communicating with the bus 30, where the interface adaptor 18 is a remote control interface (see Hayes, Figs. 1A-1B, 8A-8D). The interface of Hayes is not based on a hyperlink system. Hayes does not associate references with each device since Hayes is not based on a hyperlink system. Distinguishable, Applicant’s claimed invention is based on a hyperlink system and requires, in part, “one or more references associated with each of the devices currently connected to the network.”

Further, since the remote control of Hayes already includes a stored set of commands for controlling the target device, Hayes cannot teach “*obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network*” (emphasis added) as required, in part, by claims 1, 10 and 20. Needless to say, Hayes, cannot additionally teach “*generating a graphical user*

interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added) since Hayes does not obtain this information from the targeted device.

Naughton is relied on for teaching a system with a reference associated with each device and for displaying the generated user interface based on teaching a handheld device transmits commands to turn on a television and can select a channel button to tune the television. That is, Naughton teaches a television listing is displayed on a remote handheld device for controlling the television. Naughton, however, does not teach or suggest “*discovering a plurality of devices that are currently connected to the network; (b) obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network, wherein the information includes at least a device name and service type*” or “(c) *generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network*” (emphasis added) as required, in part, by claim 1, and similarly by claims 10 and 20.

Therefore, even if the teachings of Naughton are combined with those of Hayes, the result would still not teach or suggest all of the limitations of

discovering a plurality of devices that are currently connected to the network; (b) obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network, wherein the information includes at least a device name and service type, and wherein the physical layer provides a communication medium that can be used by the plurality of devices to communicate with each other; (c) generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added)

as required, in part, by claim 1,

discovering the plurality of devices that are currently connected to the physical layer of the network; (b) obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to the physical layer of the network, wherein the information includes at least a device name and service type; (c) generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added)

as required, in part, by claim 10, or

discovering a plurality of devices that are currently connected to the network in an autonomous manner; (b) obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to the physical layer of the network, wherein the information includes at least a device name and service type; (c) generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that a user can use each reference of the displayed

user interface to access each device (emphasis added)

as required, in part, by claim 20.

Since the combination of Hayes and Naughton does not teach, disclose or suggest all the limitations of Applicant's claims 1, 10 and 20, as listed above, Applicant's claims 1, 10 and 20 are not obvious over Hayes in view of Naughton since a *prima facie* case of obviousness has not been met under MPEP §2143. Thus, claims 1, 10 and 20 of the present application are patentable over Hayes in view of Naughton for at least the reasons set forth above. Additionally, the claims that directly or indirectly depend on claims 1, 10 and 20, namely claims 2-3, 6, 29 and 31-32, claims 11-12, and claims 21-22, respectively, are allowable for at least the same reasons.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections of claims 1-3, 6, 10-12, 20-22, 29 and 31-32 is respectfully requested.

Applicant's new claim 34 requires, in part, "the at least one of said devices, that performs steps (a)-(d), *can be controlled by another device currently connected to the network*" (emphasis added). Hayes in view of Naughton does not teach or suggest these limitations. Specifically, the combination of Hayes and Naughton does not teach or suggest that a device that performs steps (a)-(d) of claim 1. Further, such a device that performs steps (a)-(d) of claim 1 could not be *controlled by another device currently connected to the network*. Therefore, new claim 34 is

patentable over the combination of Hayes and Naughton for at least these reasons.

Claims 4-5, 8-9, 13-14, 18-19, 23-24, 28, 30 and 33

The rejection of claims 4-5, 8-9, 13-14, 18-19, 23-24, 28, 30 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Hayes in view of Naughton and Kemink is respectfully traversed because for at least the following reasons: Hayes, Naughton and Kemink either separately or combined, does not disclose all of the claimed limitations.

Claims 4-5, 8-9, 30 and 33 either directly or indirectly depend on claim 1. Claims 13-14 and 18-19 either directly or indirectly depend on claim 10. Claims 23-24 and 28 either directly or indirectly depend on claim 20. As asserted above, Hayes in view of Naughton does not teach or suggest the limitations of

discovering a plurality of devices that are currently connected to the network; (b) obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network, wherein the information includes at least a device name and service type, and wherein the physical layer provides a communication medium that can be used by the plurality of devices to communicate with each other; (c) generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added),

as required, in part, by claim 1,

discovering the plurality of devices that are currently connected to

the physical layer of the network (b) obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to the physical layer of the network, wherein the information includes at least a device name and service type; (c) generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added),

as required, in part, by claim 10, or

discovering a plurality of devices that are currently connected to the network in an autonomous manner; (b) obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to the physical layer of the network, wherein the information includes at least a device name and service type; (c) generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added),

as required, in part, by claim 20.

Kemink discloses an Internet based service for updating a programmable control device, where an Internet site contains links to appliance-dependent control and feature option information that can be downloaded to the device as a graphic user interface (GUI). The user selects the device information from the Internet site. That is, Kemink teaches device information is obtained from a website, **not** a device that is to be commanded and controlled. That is, in

Kemink a user must access a website from an external network, i.e., the Internet, pass through multiple web pages by entering appropriate information, and then manually downloading information. Moreover, in Kemink the server where information is obtained cannot be equated to *“obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network”* (emphasis added).

Further, Kemink does not teach or suggest *“obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network*, wherein the information includes at least **a device name** and service type” (emphasis added) as required, in part, by claim 1, and similarly by claims 10 and 20.

Therefore, even if Kemink is combined with Hayes and Naughton, the result would still not teach or suggest

discovering a plurality of devices that are currently connected to the network; (b) obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network, wherein the information includes at least a device name and service type, and wherein the physical layer provides a communication medium that can be used by the plurality of devices to communicate with each other; (c) generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that

a user can use each reference of the displayed user interface to access each device (emphasis added),

as required, in part, by claim 1,

discovering the plurality of devices that are currently connected to the physical layer of the network; (b) obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to the physical layer of the network, wherein the information includes at least a device name and service type; (c) generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added),

as required, in part, by claim 10, or

discovering a plurality of devices that are currently connected to the network in an autonomous manner; (b) obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to the physical layer of the network, wherein the information includes at least a device name and service type; (c) generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added),

as required, in part, by claim 20.

Claims 9, 18 and 28 require, in part, “the user interface includes *device data corresponding to each device based on the information **obtained from each device***, and wherein when *the one link in the user interface is user activated the activated link is used to access **the associated device and retrieve control interface description contained in the associated device*** to generate and display a device user interface based on the retrieved control interface description, for user interaction with that associated device” (emphasis added). Kemink, however, fails to teach these limitations as Kemink simply discloses that the website, provided by appliance vendors and third parties, provide the device control profile for the control devices (Kemink, col. 5, lines 11-33). Therefore, it is clear that Kemink does not teach or suggest that the user interface includes data obtained from a device or that data is retrieved from the device since appliance vendors and third parties supply the device data. Therefore, dependent claims 9, 18 and 28 are patentable over Hayes in view of Naughton and further in view of Kemink for at least these reasons.

Since the combination of Hayes, Naughton and Kemink does not teach, disclose or suggest all the limitations of Applicant's claims 1, 10 and 20, as listed above, Applicant's claims 1, 10 and 20 are not obvious over Hayes in view of Naughton and further in view of Kemink since a *prima facie* case of obviousness has not been met under MPEP §2143. Thus, claims 1, 10 and 20 of the present application are patentable over Hayes in view of Naughton and further in view of Kemink for at least the reasons set forth above. Additionally, the claims that directly or indirectly depend on claims 1, 10 and 20, namely claims 4-5, 8-9, 30 and 33, claims 13-14 and

18-19, and claims 23-24 and 28, respectively, are allowable for at least the same reasons.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections of claims 4-5, 8-9, 13-14, 18-19, 23-24, 28, 30 and 33 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant believes that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested. If the Examiner feels that a telephone interview may help further the examination of the present application, the Examiner is encouraged to call the undersigned attorney or his associates at the telephone number listed below.

Please direct all correspondence to **Myers Andras Sherman & Zarrabian LLP**, 1411 5th Street, Suite 306, Santa Monica, California 90401.

Respectfully submitted,

/Michael Zarrabian/ April 21, 2011
Michael Zarrabian, Registration No. 39,886
Myers Andras Sherman & Zarrabian LLP
1411 5th Street, Suite 306
Santa Monica, California 90401
(424) 229-6800
(424) 229-6815 - fax
USPTO Customer No.: 99435